

REMARKS/ARGUMENTS

Reconsideration and allowance of the above-identified application are respectfully requested. Independent claim 1 is amended herein. Claims 1-42 remain pending in the application.

The Examiner rejected claims 1-42 under 35 U.S.C. §101 as being directed to non-statutory subject matter. More specifically, the Examiner argues that the claimed method does not pass the “machine or transformation” test. While applicants dispute the Examiner’s characterization that the claimed invention “needs to pass the machine-transformation test” in order to satisfy 35 U.S.C. §101, Applicants have nonetheless amended independent claim 1 in order to tie the method to a particular machine. As amended, claim 1 recites a memory means in which external variables are stored, as well as a processing means, actuators of the agent, and a subprocessing means. The amendment does not contain new matter, and is described in the specification, for example, at page 8, lines 1 and line 14, which refer to the claimed subprocesses, and also page 8, lines 8-11, and page 13, lines 13-14, which refer to the claimed actuators. Further description of hardware for carrying out method steps according to an embodiment of the present invention is found in French patent application No. 2811449, discussed in the background of the application. A U.S. counterpart to that application is submitted herewith in an Information Disclosure Statement for consideration by the Examiner. Reconsideration and withdrawal of the rejection is respectfully requested in view of the amendments and arguments presented above.

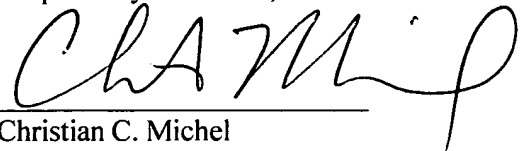
The Examiner rejected claims 1-7, 11, 12, 14, 15, 17, 19-21, 23, 24, 26-30, 32-38 under 35 U.S.C. §102(a) to Stephens. Applicants traverse the rejection since Stephens clearly fails to teach or suggest the elements of at least independent claim 1. As described in the present application, conventional decision models can determine actions of a virtual or physical agent, such as the modeled fish of Stephens, but suffer in that the decision model is not capable of *choosing* parameters for carrying out actions. Embodiments of the present invention advantageously include a decision-making means that *determines the parameters of* at least one action of the agent. The Examiner cites page 73, c. 1 of Stephens as teaching this feature, but the Examiner's reliance is misplaced. Stephens merely describes a conventional behavior model, such as "hunger" which may include parameters such as fish energy level, appetite, and digestion rate. However, the Stephens model is like the conventional systems described in the present application in that while there are parameters, there is not a decision-making means that *itself* chooses parameters used for carrying out actions. Stephens provides an example for the "hunger" model where altering parameters of a predator fish can make the predator fish appear greedy. However, Stephens assumes it is the modeler who changes the parameters, as opposed to the parameters being changed by a decision-making means of the virtual or physical agent, as in embodiments of the present invention. For at least this reason, Stephens fails to anticipate or render obvious at least claim 1 of the present invention. The remaining claims all depend from claim 1, and accordingly are allowable for at least the same reasons. Applicants respectfully request reconsideration and withdrawal of the rejection in view of the arguments made above.

The Examiner rejected claims 13 and 16 under 35 U.S.C. §103(a) as being obvious over Stephens, in view of U.S. Patent No. 6,266,751 to Niescier. The Examiner cites Niescier as describing “arranging the subprocesses in decreasing order of activation.” Without addressing the propriety of the Examiner’s reliance on Niescier for this feature, Applicants note that Niescier fails to make up for the deficiencies discussed above with regard to Stephens. Accordingly, an element of claim 1 not being found in either Stephens or Niescier, the rejection must be withdrawn. Notice to this effect is respectfully requested.

Applicants appreciate the Examiner’s indication that there are no substantive grounds upon which to reject claims 8-10, 18, 22, 25, 31, 39-42, and allowance of the same is requested in view of the amendments and arguments overcoming the rejection under 35 U.S.C. §101 discussed above.

In view of the above, it is believed that the application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cham', written over a horizontal line.

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